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March 3, 2022

By ECF and Email

Honorable John P. Cronan
United States District Judge
Southern District of New York
United States Courthouse
New York, NY 10007

Re: *In re Smerling Litigation*
Case No. 1:21-cv-02552-JPC

Dear Judge Cronan:

On behalf of James Feltman of Kroll, LLC (the receiver appointed in the above-referenced consolidated action, the “Receiver”), I write regarding today’s filing of an unopposed motion (the “Unopposed Motion”) by the Receiver which seeks this Court’s authorization for the sale of a vacant parcel of real property (21 Civ. 2552, ECF No. 168). Pursuant to FRCP 6(c)(1)(C), the Receiver respectfully requests the Court to consider the Unopposed Motion without notice and an opportunity to be heard, or set an expedited hearing scheduling.

As explained more fully in the Unopposed Motion, the relief sought includes: (a) authorizing the Receiver to sell to Rodney and Michele Poole (“Poole” or the “Real Property Purchaser”) a vacant parcel of real property located at 11352 Alligator Trail, Lake Worth, Florida 33449 (the “Real Property”) for the all-cash purchase price of \$700,000.00 and not subject to any due diligence contingency, per the terms of the *Vacant Land Contract* (w/addendum) attached as Exhibit “2” (the “Real Property Contract”) to the *Declaration of Paul Steven Singerman in Support of Unopposed Motion to Sell a Vacant Parcel of Real Property Located at 11352 Alligator Trail, Lake Worth, Florida and Related Relief* (21 Civ. 2552, ECF No. 169 (the “Declaration”)); (b) modifying the sale procedures set forth in 28 U.S.C. § 2001 with respect to the sale of the Real Property; and (c) related relief.

An expedited procedure for the Unopposed Motion is sought because the relief sought is routine in nature, expedited review will facilitate the Receiver’s ongoing efforts to monetize the assets comprising the Receivership Estate, and the affected creditors have consented to the requested relief.

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The Receiver is proceeding by motion, rather than filing an initial pre-motion letter, because of the time sensitivity of the relief sought and given that Citizens Bank, N.A. and Silicon Valley Bank which are the plaintiffs in this consolidated action (the “Consolidated Action”) support the relief requested in the Unopposed Motion.

Defendants JES Global Capital GP III, LLC, JES Global Capital II, L.P., and JES Global Capital GP II, LLC have each failed to appear in this Consolidated Action.

The Receiver is prepared to discuss the Unopposed Motion and any other issues pertaining to the proposed receivership at the hearing to be scheduled by the Court to consider the Unopposed Motion.

We thank Your Honor for Your Honor’s consideration of this matter.

Respectfully yours,

/s/ Paul Steven Singerman

Paul Steven Singerman

cc: Counsel of record (via ECF)
Other parties listed on the certificate of service (via Federal Express)